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STATE OF IOWA

DEPARTMENT OF NATURAL RESOURCES
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Report on the Implementation of HF 834

Commercial Septic Tank Cleaners, IAC567 – Chapter 68

August 30, 2007

Since the passage of HF 834, the Department has been working on the implementation of that law by modifying Administrative Rules, instituting new licensing procedures, providing trainings on the new rules and working with counties to move toward the start of the inspection program.

The Iowa Administrative Code 567 – Chapter 68, “Commercial Septic Tank Cleaners”, was modified with the input of a Stakeholders group made up of septic tank cleaners, county sanitarians and Department personnel. The modifications included all of the new items passed into law and a few other changes requested by the Stakeholders group, the Environmental Protection Commission and through public hearings. These rule changes passed through the rules process and became effective September 27, 2006.

The highlights of the changes include;

1. the addition of waste management plans to the application process
2. new fees to cover inspections by counties (note that none of the fees are retained by the Department)
3. increased penalties
4. the requirement that portable toilet waste be taken to a treatment plant
5. the addition of equipment and land application site inspections
6. new licensing procedures
7. new setbacks from land applied waste including 750 feet from an inhabited home
8. clarification of land application rules
9. clarification of what constitutes properly pumping a septic tank

Six regional trainings were held across Iowa to inform septic tank cleaners and county personnel of the new rules and requirements as well as the timeline for rule and inspection program implementation.

The new licensing procedures include a considerable increase in the amount of information provided to the Department by septic tank cleaners. These businesses cannot be licensed without submitting the proper information. The new license period runs from July 1 to June 30

each year. The previous system was spread through the year based on when a tank cleaner initially applied. To become licensed a septic tank cleaner must submit;

1. An application with business information including amount of septage to be pumped and truck or equipment information.
2. A waste management plan that indicates the amount of septage and/or portable toilet waste to be pumped (based on last year's records) and where this waste will be disposed of, at a treatment plant or land applied. They must also indicate the amounts to be taken to any disposal site.
 - a. If the tank cleaner uses a treatment plant for disposal, they must provide a letter from that facility indicating that the treatment facility will accept the septage.
 - b. If the tank cleaner land applies septage, they must attach a separate form or "Site Record" that details the location of the site and the method of land application and crop rotation.
3. Records from the previous years pumping activity.

Fees are then calculated based on the number of vehicles a business has and the amount to be land applied. The fees are \$150 for the first vehicle and \$50 for each additional vehicle. If septage is land applied an additional fee of \$7 per 1000 gallons land applied is added. These fees are calculated by the Department. The applications and waste management plans are currently reviewed by the Department before approval. When contracts for inspections are implemented with the counties, the Department and the counties will review the applications.

We are now in the second period of licensing, the first being that period from the enactment of the rules, November 1, 2006, and June 30, 2007. Application renewals were sent out in June for the period from July 1, 2007 to June 30, 2008. Approximately 125 applications have been returned and 100 have been approved. Approximately 10.7 million gallons of septage are reported to be pumped by these licensed tank cleaners. Only 934,000 gallons are reported to be land applied or 9%. This is down considerably from are survey results of 27% although these survey figures are less reliable. It appears that the law and rules have had the desired effect of reducing the amount of septage land applied.

The next step is a training plan for inspections and contracting with counties to conduct inspections. The training plan is presently being drafted. A group of county personnel will be involved in the drafting of contracts and inspection procedures. The plan is to implement these contracts late this fall with inspections of equipment and land application sites to begin in the spring of 2008.

The Department is also planning an enforcement strategy for those septic tank cleaners who had previously been licensed but have failed to license under the new system. Letters will be sent to these individuals informing them that if they wish to continue the commercial cleaning of septic tanks, they must license or they are violating state rules and will be fined. Some tank cleaners have discontinued the business so an effort will be made to verify whether someone is still working or not. The counties will assist (and are legally required to enforce Chapter 68) with this licensing effort.